

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GARY BANKS,	)	
	)	Civil Action No. 10 – 555
Plaintiff,	)	
	)	District Judge David S. Cercone
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
LT. MECK, STEPHEN BEST, and	)	
P.L.N. TRACEY,	)	
	)	
Defendants.		

**MEMORANDUM ORDER**

This case is before the Court on the Report and Recommendation filed by Chief Magistrate Judge Lisa Pupo Lenihan on January 31, 2013 (ECF No. 105) recommending that Defendants' Motion for Summary Judgment (ECF No. 57) be granted and that this case be closed. The parties were served with the Report and Recommendation and informed that they had until February 19, 2013, to file written objections. Plaintiff timely filed objections on February 19, 2013; however, his objections do not undermine the recommendation of the Magistrate Judge. As such, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered.

**AND NOW**, this 14<sup>th</sup> day of March, 2013, **IT IS ORDERED** that Defendants'

Motion for Summary Judgment (ECF No. 57) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 105) dated January 31, 2013, is **ADOPTED** as the opinion of the Court. Plaintiff's objections are

overruled. They sufficiently are undermined by the record and constitute a mere rehash of plaintiff's opposition to defendants' motion.

**IT IS FURTHER ORDERED** that the Clerk of the Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



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David Stewart Cercone  
United States District Judge

cc: Gary Banks  
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SCI Camp Hill  
P.O. Box 200  
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*Via U.S. Postal Mail*

Counsel of Record  
*Via ECF Electronic Mail*